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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,524	11/17/2000	Alain Charpentier	P06983US00/RFH	5323
881 75	05/06/2003		•	
LARSON & TAYLOR, PLC			EXAMINER	
1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314			KEBEDE,	BROOK
			ART UNIT	PAPER NUMBER
-			2823	Q
•	•	•	DATE MAILED: 05/06/2003	7

Please find below and/or attached an Office communication concerning this application or proceeding.

				-s/v-			
•	-	Applicati n No.	Applicant(s)				
•		09/714,524	CHARPENTIER E	Γ AL.			
	Offic Action Summary	Examiner	Art Unit	-			
		Brook Kebede	2823	dross er			
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHO THE N - Exten after S - If the - If NO - Failur - Any f	ORTENED STATUTORY PERIOD FOR REPLAILING DATE OF THIS COMMUNICATION. Isions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a repperiod for reply is specified above, the maximum statutory period to treply within the set or extended period for reply will, by statutely received by the Office later than three months after the mailing dipatent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, ma by within the statutory minimum of will apply and will expire SIX (6) No.	y a reply be timely filed thirty (30) days will be considered timely MONTHS from the mailing date of this co e ABANDONED (35 U.S.C. § 133).	, mmunication			
3 (a (u s	Responsive to communication(s) filed on 12	February 2003 .					
2a)□	•	his action is non-final.					
3)	Since this application is in condition for allow	vance except for formal	matters, prosecution as to th	e merits is			
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
•	on of Claims	ion					
• —	Claim(s) <u>10-17</u> is/are pending in the applicati 4a) Of the above claim(s) is/are withdra						
	Claim(s) is/are allowed.						
, —	Claim(s) is/are rejected.						
, —	Claim(s) is/are objected to.						
,	Claim(s) <u>10-17</u> are subject to restriction and/o	or election requirement.					
Application Papers							
9) The specification is objected to by the Examiner.							
10) The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
11) The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.							
If approved, corrected drawings are required in reply to this Office action.							
12)☐ The oath or declaration is objected to by the Examiner.							
	under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a)	☐ All b)☐ Some * c)☐ None of:						
	1. Certified copies of the priority documer		ta Augusta Alam Na				
	2. Certified copies of the priority documer			Stage			
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
1	Acknowledgment is made of a claim for domes			I application).			
 a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. 							
Attachmer	nt(s)						
2) Notice	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notic	view Summary (PTO-413) Paper No ce of Informal Patent Application (P ⁻ r:				
LLC Potent and	Trademark Office						

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DETAILED ACTION

Election/Restrictions

- Restriction to one of the following inventions is required under 35 U.S.C. 121:
 Group I, Claims 10-15, drawn to Method for Measuring Thickness of a Layer, classified in class 438, subclass 16.
 Group II, Claims 16 and 17, drawn to Apparatus (Device) for Measuring Thickness of
 - Group II, Claims 16 and 17, drawn to Apparatus (Device) for Measuring Thickness of Laver, classified in class 250, subclass 309+.
- 2. The inventions are distinct, each from the other because of the following reasons:
- 3. Inventions Group I and Group II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process of Group I can be performed by apparatus (device) which is equipped with infrared laser (IR) to measure the thickness of the layer being processed.
- 4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 5. Applicants are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 6. Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

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currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Correspondence

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brook Kebede whose telephone number is (703) 306-4511. The examiner can normally be reached on 8-5 Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on (703) 306-2794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Brook Kebede

May 2, 2003

W. David Coleman

Primary Examiner